IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 18779 of 2005

Between:

1. M/s.Chodey Sanyasi rao,

HPC Dealer at S.No.96/2 & 3,

Bhimavaram village, Canal road,
Samalkot, East Godavari District,

Rep. by its MANAGING DIRECTOR

Chodey Janaki Ramayya Chowdary.

2. M/s.Chodey Sanyasi rao,

HPC Dealer Door.No.13-6-24,

Samalkot town & mandal,
East Godavari, Rep. by its

MANAGING DIRECTOR

Chodey Janaki Ramayya Chowdary.

... PETITIONERS

AND

1. Mandal Revenue Officer, Samalkot ,

East Godavari District.

2. Joint Collector, East Godavari District,

Kakinada.

....RESPONDENTS

ORDER:

For declaring the action of the respondents in auctioning the MSD oil and HSD oil for lesser amounts without awaiting the results of the judgment in Criminal Appeal Nos.418 and 419 of 2000 on the file of the Principal District Judge, Rajahmundry as illegal and arbitrary, the present writ petition has been filed.

2. The grievance of the petitioner is that the respondents-authorities surprised the two petrol bunks of the petitioner, seized the stock on the ground that there is excess stock and directed to confiscate 100% of the seized stock in respect of two petrol bunks and sold the confiscated MSD oil and HSD oil at lesser price than the price prevailing as on the date of confiscation and therefore, the petitioner is entitled for the rate prevailing at the time of conducting auction.

3. The learned counsel for the petitioner contended that the respondents without waiting for the judgment of the appellate authority, sold the disputed stocks in question for a lesser price and therefore he prays to set aside the same.

4. No *mala fides* are attributed to the respondents in conducting the auction of HSD and MSD oil. Whatever the price that has been

fetched in the auction proceedings the petitioner is entitled for the same. He cannot claim as a matter of right that he is entitled for the price as on the date of sale. The other contention is that the respondents did not wait till the result of the criminal appeals. Since no stay has been granted and no order is precluding the respondents in conducting the auction, the action of the respondents cannot be shown to be perverse. Therefore, there are no merits in the writ petition.

5. Accordingly, the writ petition is dismissed. No costs.

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K.C.BHANU,J.

Date: 29th August 2005.]

BSB